



CIVIL AIR PATROL
NATIONAL HEADQUARTERS
MAXWELL AFB AL 36112-6332

CAP REGULATION 5-1 (E)

17 AUGUST 2002

Publications Management

RATIFICATION

This regulation prescribes concepts, policies, and standards that govern the issuance, revision and revocation of all Civil Air Patrol (CAP) regulations. It implements Title 10, Section 9448(b)(2) of the United States Code, Article XX of the CAP Constitution and a resolution of the National Board dated 1 March 2002. Practices, procedures and standards prescribed in this regulation are mandatory and may not be supplemented or changed without the approval of the National Board. Forward all suggestions for modification and improvement of these procedures through channels to General Counsel (NHQ CAP/GC). Regulations issued by regions and local supplements to national regulations are not subject to the procedures described in this regulation.

1. Definitions. As used in national regulations, the following words will have the definition indicated.

- a. **“Shall”, “will” or “must”** indicate a mandatory requirement.
- b. **“Should”** indicates a non-mandatory desire or preferred method of accomplishment.
- c. **“May”** indicates an acceptable or suggested means of accomplishment.
- d. **“OPR”** (office of primary responsibility) means the National Headquarters directorate having primary responsibility for the issuance and maintenance of a regulation. Each regulation will be assigned an OPR.
- e. **“Publications manager”** means the person or office at National Headquarters designated by the Executive Director as responsible for coordinating, reviewing, editing, and printing regulations.

2. Responsibilities. National regulations are necessary for the orderly administration of the activities, business, and affairs of CAP; and the effective execution of CAP missions. In order for CAP national regulations to be enforceable, regulations must be issued in accordance with the Constitution and Bylaws of CAP.

- a. **National Commander.** The National Commander may promulgate CAP regulations.
- b. **National Board.** The National Board may promulgate regulations and shall ratify all regulations promulgated by the National Commander except emergency regulations and regulations promulgated by the National Commander pursuant to the direction of the Board of Governors.
- c. **National Executive Committee.** When the National Board is not in session, the National Executive Committee is vested with all the powers of the National Board, except those powers that are reserved exclusively to the National Board as set forth in Constitution Article X paragraph 2.
- d. **Board of Governors.** The Board of Governors, as the governing body of CAP, may direct the National Commander to issue, modify or revoke regulations or portions of regulations.
- e. **National Staff.** The National Headquarters, including volunteer members of CAP assigned to National Headquarters and CAP employees, drafts, prints, and distributes national regulations. **In addition, national staff personnel shall propose new regulations, modifications to existing regulations or revocation of existing regulation to the National Commander through the Executive Director.**

3. Regulations:

- a. The procedures described in paragraph 3 apply to all regulations except for emergency regulations, regulations directed by the Board of Governors and regulations issued by the Secretary of the Air Force or his/her designee and applicable to CAP pursuant to 10 U.S.C. 9448(b)(1).
- b. Regulations issued at the direction of the Board of Governors. Regulations, or portions of regulations issued, or modified by the National Commander pursuant to written instructions of the Board of Governors are not subject to ratification by the National Board.
- c. **Procedures:**

1) Initial coordination. A draft regulation or draft revision will normally be coordinated by the Office of Primary Responsibility (OPR) with National Headquarters directorates and, when applicable, the Air Force or affected agencies for proposed revisions. The National Commander will refer the matter to a committee of the National Board who will work with the OPR to prepare a preliminary final draft.

OPR: GC

Distribution: In accordance with CAPR 5-4.

2) Comment period. The preliminary final draft will be posted to a CAP web site, accessible to all CAP members, and contemporaneously mailed to members of the National Board for a minimum comment period of 60 days, unless said period is adjusted by the National Commander; the OPR and committee referred to in the prior paragraph will incorporate said comments as deemed appropriate into a proposed final draft and prepare a cover sheet outlining any comments that were not incorporated and why. During the comment period, comments may be submitted by any member of CAP, through the chain of command, to the OPR and committee.

3) National Board ratification. The final draft regulation, along with a cover sheet that sets forth a summary of comments received and the action taken as to each shall be forwarded to each member of the National Board at least thirty days prior to a National Board or National Executive Committee meeting and ratification of the regulation will be an agenda item for that meeting.

4) Effective date. Unless an effective date is expressly specified in the regulation, a provision of a regulation, or the motion to ratify the regulation, all regulations become effective immediately when ratified. However, no member shall be penalized for non-compliance with a regulation prior to the time it is published pursuant to CAP regulations.

4. Emergency Regulations.

a. General. Emergency regulations are regulations issued by the National Commander pursuant to Article XX paragraph 3 of the Constitution for which the National Commander declares the regulation to relate to a situation requiring immediate action due to a state of emergency or an unforeseen circumstance involving the preservation of life or property.

b. Procedures.

1) General. Emergency regulations are normally drafted by national staff to cover emergency situations not already covered by other regulations. Where there is a conflict between an emergency regulation and any other CAP regulation, the provisions of the emergency regulation prevail. Unless the emergency regulation specifies an expiration date, an emergency regulation remains in existence until revoked by the Board of Governors or the National Board. If the National Board does not revoke an emergency regulation at its first meeting after the emergency regulation is effective, the emergency regulation shall be treated as a regular regulation.

2) Effective date. Emergency regulations become effective when issued by the National Commander. Normally, emergency regulations are sent to all members of the National Board by electronic mail and are posted on the NHQ web site. No member will be penalized for failure to comply with an emergency regulation before it has been posted to the NHQ web site.

3) Emergency regulations that govern the conduct of the activities of CAP when it is performing its duties as a volunteer civilian auxiliary of the Air Force must be approved by CAP-USAF Commander prior to being issued by the National Commander.

4) Publication. Emergency regulations shall be made available only in electronic form until after the first National Board meeting following promulgation of the emergency regulation.

5. Revocation:

a. Emergency Regulations. The National Board may, by a majority vote at its first meeting after the emergency regulation becomes effective, revoke an emergency regulation. However, for emergency regulations that govern the conduct of the activities of CAP when it is performing its duties as a volunteer civilian auxiliary of the Air Force, revocation requires the approval of CAP-USAF Commander. Revocation of an emergency regulation becomes effective immediately. Members will not be penalized for continuing to comply with an emergency regulation that has been revoked until the posted regulation is removed from the NHQ web site.

b. Regulations issued pursuant to written direction of the Board of Governors. Regulations issued pursuant to written direction of the Board of Governors may be revoked only upon the written direction of the Board of Governors.

c. Other regulations. Except for emergency regulations and regulations issued pursuant to written direction of the Board of Governors, regulations may be revoked only by the National Board or the National Executive Committee. However, revocation of regulations, or portions of regulations, that govern the conduct of the activities of CAP when it is performing its duties as a volunteer civilian auxiliary of the Air Force requires the approval of CAP-USAF Commander. Revocation of a regulation becomes effective immediately. Members will not be penalized for continuing to comply with an emergency regulation that has been revoked until the posted regulation is removed from the NHQ web site.